

FORM PTO-1083

Attorney Docket No.: 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 09/497,590

Filed: June 6, 2000

For: APPARATUS INCLUDING A GUARD MEMBER
HAVING A PASSAGE WITH A NON-CIRCULAR
CROSS SECTION FOR PROVIDING PROTECTED
ACCESS TO THE SPINE (as amended)

Confirmation No.: 7688

Art Unit: 3764

Examiner: Michael Brown

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JAN 17 2007

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in reply to the August 28, 2006 Office Action in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a two-month extension of time to respond to the above office action.
- ☒ An Information Disclosure Statement Under 37 C.F.R. § 1.97(c) and Form PTO-1449 are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE	ADD'L FEE DUE
TOTAL CLAIMS FEE	78	-	85	0	LG=\$50 SM=\$25 \$50	\$ 0
INDEPENDENT CLAIMS FEE	2	-	3	0	LG=\$200 SM=\$100 \$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140	\$ 0
TOTAL						\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the amount of \$630.00 to cover the \$450 two-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: January 17, 2007

By: 
Thomas H. Martin
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Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030

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1557 Lake O'Pines Street, NE
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(330) 877-2030****FACSIMILE TRANSMITTAL****TO:****Name:** Mail Stop AMENDMENT
Group Art Unit 3764/Examiner M. Brown**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 09/497,590

Gary Karlin Michelson

Filed: June 6, 2000

**APPARATUS INCLUDING A GUARD MEMBER
HAVING A PASSAGE WITH A NON-CIRCULAR
CROSS SECTION FOR PROVIDING PROTECTED
ACCESS TO THE SPINE (as amended)**

Attorney Docket No. 101.0044-03000

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FROM:**Name:** Thomas H. Martin, Esq.**Phone No.:** 330-877-2277**No. of Pages (including this):** 21**Date:** January 17, 2007**Confirmation Copy to Follow:** NO**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$630.00 to cover the \$450 two-month extension fee and \$180 IDS fee is to be charged to Deposit Account No. 50-3726), Amendment with 1 new drawing sheet containing Fig. 42, and Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 17, 2007.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

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PATENT
Attorney Docket No. 101.0044-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MEMBER HAVING A PASSAGE)	
WITH A NON-CIRCULAR CROSS)	
SECTION FOR PROVIDING)	
PROTECTED ACCESS TO THE)	
SPINE (as amended))	

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT

In reply to the Office Action of August 28, 2006, the period for reply having been extended for two months by a request for extension and fee payment filed concurrently herewith, please amend the application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Amendments to the Drawings begin on page 12 of this paper.

Remarks begin on page 13 of this paper.

An **Appendix** including amended drawing figures is attached following page 14 of this paper.

Amendment 1-17-07.doc

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